

HISTORIC SHIPS

A Staff Report

to the

San Francisco Bay Conservation

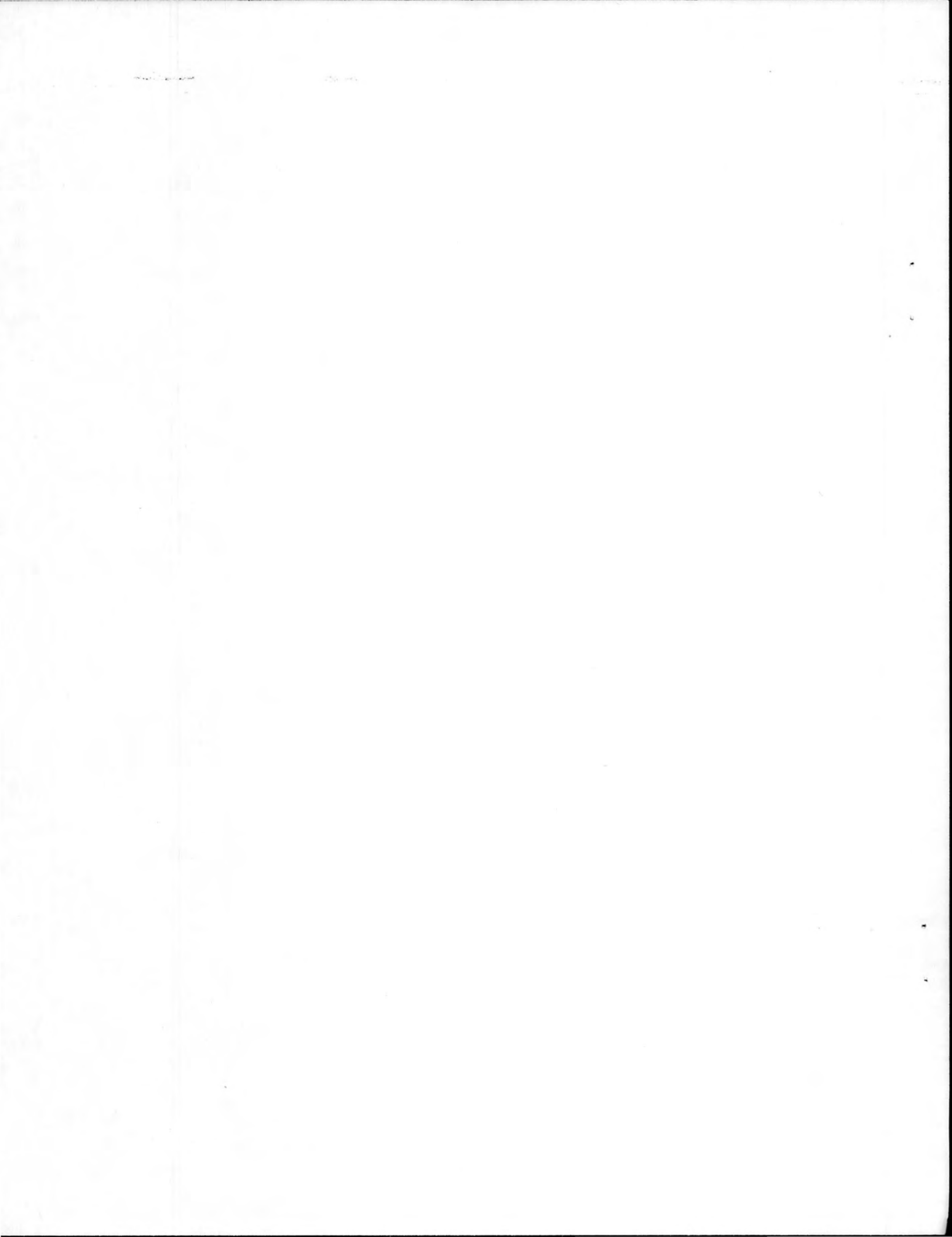
and

Development Commission

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I. INTRODUCTION

European explorers probably first visited San Francisco Bay sometime shortly after 1750, but it was nearly a hundred years later before a great surge of maritime activity took place. The discovery of gold touched off the explosive migration to California and, as historian John Haskell Kemble wrote, "The character of San Francisco Bay changed almost overnight from that of a great, lonely inland sea to a bustling port. From 1849 onwards, ships by the hundreds came through the Golden Gate."^{1/} Although, as Kemble also notes, many of those ships were abandoned as their crews even took off for the gold strike areas, many others remained in service and the character of San Francisco Bay as a port of call was set for all time.

Intensive maritime activity was, however, new to the Bay and was not an established vital element of community life as in older seaport communities such as those on the east coast of the United States. So even though there was rapid growth in shipping, fishing, and other water-borne activities, most of the cities and towns that developed around the Bay were oriented to upland areas and not toward sustained involvement with the Bay and the sea. And, as more efficient land transportation methods developed and pollution destroyed much of the commercial fishing, this turning away from the Bay became even more pronounced. New communities did not develop the close relationship with ships and maritime commerce that had been part of the vital earlier days of transportation, recreation, and trade on the Bay. Indeed, the BCDC experience has shown that only

^{1/} John Haskell Kemble, San Francisco Bay: A Pictorial Maritime History (Cambridge, Maryland: Cornell Maritime Press, 1957), p. 31.

during the last decade or so has there been real public understanding of the values of the Bay as a water resource affecting the lives of residents and visitors in the region.

Along with this growing interest in the Bay itself, there has been, for many reasons, a generally increasing desire to retain some of the unique historical features that remain. Historical preservation as a matter of public concern is evident in the many efforts made in recent years to save "Victorian" and other historic structures throughout the region. Legislation to aid in identification and preservation of historic sites and buildings has been adopted by national, state, and local governments. Plans to implement such preservation efforts have been prepared by many agencies, including the National Park Service and the State Department of Parks and Recreation.

This increasing public understanding and awareness of the Bay as a resource for all has been accompanied by a growing interest in the maritime history of the region and the historic ships^{2/} that were a part of it. In particular, since 1969, there have been several informal proposals to the Commission and the BCDC staff to moor old ships, or replicas of old ships, usually with some historical relationship to the Bay, at various locations. In some cases, the ships were merely to be put on display, while in others the interior was to be used for commercial recreation (e.g., restaurants or hotels) or some other purpose.

^{2/} The word "ship" is used throughout this report with the intent to include the word "boat" without regard to conventional or technical distinctions between the two terms.

Under the McAteer-Petris Act, "structures...moored for extended periods," such as old ships on display, are "fill" and require BCDC permits. In general, mooring such ships, or replicas, on privately-owned land in the Bay and using them for Bay-oriented commercial recreation is consistent with the McAteer-Petris Act and the Bay Plan. However, the situation is more complex if such ships are to be moored on publicly-owned land, such as along the Oakland and San Francisco waterfronts, which has been the case with most of the proposals so far. This is because the Bay Plan allows fill on most privately-owned land in the Bay only for Bay-oriented commercial recreation and Bay-oriented public assembly. At the same time, to maximize the value of these limited uses to private owners, the Plan precludes, for the most part, fill for such purposes on publicly-owned land. Specifically, under the Plan, filling for Bay-oriented commercial recreation and Bay-oriented public assembly cannot be permitted on publicly-owned land except under limited circumstances, which include the removal of deteriorated piers and the preparation of a special area plan.

Nevertheless, the argument has been made that the preservation, restoration, and replication of ships of historic interest to the Bay Area should be encouraged and that the Commission could do so by allowing such ships on publicly-owned land free of the limitations on commercial recreational use that would otherwise apply under the Bay Plan. It is the purpose of this report to consider the subject of historic ships in general (including replicas of historic ships), and to discuss the possible mooring and use of them in relation to the regulatory responsibilities of BCDC under the McAteer-Petris Act and the San Francisco Bay Plan policies.

II. HISTORIC SHIPS: WHAT ARE THEY

"History," in the broadest sense, is merely the accounting of past events, but in general, is limited to those events that have some significance. Thus, two factors, time (or age) and significance, usually bear on the historical appraisal of events, and the persons, sites, structures, or artifacts associated with them. Both factors will be considered in this report in relation to historic ships.

Time (Or Age)

Different people use the age of sites, structures, or artifacts in different ways to make judgments of worth or value. The dealer in old furniture or art objects may decide what is "antique" by setting a criterion relating to the date of fabrication or construction, while the dealer in rare books would limit his selection to works printed before some certain date. United States Customs authorities have classified objects more than one hundred years old as antiques, while the President, for purposes of the National Historic Preservation Act of 1966, in Executive Order 11593, has determined that structures or other features less than fifty years old are not eligible, except under specified conditions, for placement in the National Register of Historic Places.

With regard to the evaluation of historic ships locally, that is, specifically in relation to San Francisco Bay, it would be necessary to bear in mind that few, if any, ships built before 1875 will be found in restorable condition. On the other hand, if fifty years is taken as a measure, there are some notable examples. In San Francisco Bay, for instance, over fifty years ago the ferryboat "Eureka" (then "Ukish") was already

thirty-two years old and was being rebuilt at the Southern Pacific Shipyard in Oakland. The "Eureka," now berthed in the San Francisco Maritime State Historic Park, is also entered in the National Register of Historic Places, as are two other ships in the Park, the steam schooner "Wapama" and the lumber schooner "C. A. Thayer." The latter has also been designated a National Historic Landmark by the Secretary of the Interior. All of these ships are well over fifty years old, as are the scow schooner "Alma," also in the Park, and the famous "Balclutha" owned by the San Francisco Maritime Museum. Furthermore, a check of several other significant historical maritime collections, including Mystic Seaport (Connecticut), Philadelphia Maritime Museum, Bernice P. Bishop Museum (Honolulu), and South Street Seaport Museum (New York), indicates that most, if not all, of the ships in the collections are more than fifty years old and many, in fact, date from before 1900.

Significance

The second factor that needs to be considered in evaluating historic objects is their significance, which is defined in the California History Plan prepared by the State Department of Parks and Recreation as "a term used to describe the magnitude and range of an event and its effect in connection with a specific place, district, structure, or even an object." The Federal criteria, published in the Federal Register, February, 1975, states "The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association...." Further specifications are contained in the Federal

criteria but the overall effect of them is similar to the more general description quoted previously from the California History Plan. Space here does not permit relating these criteria to the ships mentioned in this report, but it can be stated safely that their characteristics and particular association with the Bay and its maritime history give them sufficient "significance" to qualify as historic ships by any definition.

A Tentative Definition

What, then, are "historic ships"? First of all, they are ships, which is to say that they moved in the water under their own power generated by wind on sails or by on-board engines; they are not barges or other vessels or structures that could only be moved by being drawn or pushed. Second, historic ships have, or should have, the feeling and appearance, one might say the patina, of history--a quality that grows authentically only with the passage of time. While a certain fixed number of years is not always the best determinant, it has been noted that all of the ships in most of the more respected historic collections date from the early 1900's or before, and certainly fifty years appears to be a reasonable measure that would add to historical validity. And, finally, to relate this subject more specifically to San Francisco Bay, appropriately historic ships should have direct association with the Bay or the history of the Bay Area in some meaningful way.

Restoration and Replication

Two additional matters need to be touched upon before leaving this subject: restoration and replication. Any ship of the age of those discussed in this report would almost certainly require restorative

measures, sometimes including fabrication of some elements from "new" materials, to make it safe and "seaworthy" (or at least able to float) and to bring it to a state more like its original. Clearly restoration, even substantial restoration, should be permitted and indeed encouraged. While at some point restoration could become replication, the Commission, through review of individual permits, should be able to control potential problems.

The matter of replicas is somewhat different, involving the building of a completely new object to resemble as closely as possible the original it is designed to replicate. Skillfully and sensitively made replicas can be interesting and worthwhile substitutes for originals, particularly when the original objects no longer exist. On the other hand, there is the undeniable fact that replicas can be reproduced as long as there are the ability and resources to manufacture them. Consequently they are not really "historic" ships as that term has been tentatively defined in this report.

Furthermore, to treat replicas the same as historic ships under the McAteer-Petris Act and the Bay Plan could lead to unnecessary, and possibly undesirable, Bay fill. The small number of genuine historic ships means that there is only a small amount of Bay fill potentially involved, while there would be no such limit with replicas. It would also be very difficult, though not impossible, for the Commission to control the authenticity and quality of replicas. And, finally, because replicas appear to be able to generate private investment for profit, it seems reasonable to treat them like other similar uses on Bay fill under the McAteer-Petris Act and the Bay Plan, i.e., as fill for Bay-oriented commercial recreation.

III. HISTORIC SHIPS AND THE BCDC

Neither the McAteer-Petris Act nor the San Francisco Bay Plan contain specific references to historic ships. The section of the Act that appears to apply is 66632(a) which states "...structures floating at some or all times and moored for extended periods..." are classified as "fill" and therefore are subject to the permit process. The uses for which fill may be permitted are set forth in the law and the Bay Plan policies, and, since historic ships are not mentioned in either, the question that follows is whether they can be permitted under any circumstances in any area of BCDC's jurisdiction. There are several parts to an attempted answer to the question.

Recreational and Educational Purposes

To dispose of the most obvious case first, there appear to be no particular problems with respect to the placing of ships, historic or otherwise, for non-commercial recreational and educational purposes in locations such as the San Francisco Maritime State Historic Park or other public water-oriented recreation areas. Neither do there appear to be particular problems if privately-owned "historic" ships, as defined earlier, are used for recreational and educational purposes that are water-oriented and generally accessible to the public. The existing policies and permit procedures, including provisions for local reports, reviews by other regulatory agencies, and reviews and recommendations of BCDC advisory boards, provide adequate and reasonable methods of considering these kinds of historic ship cases.

It appears to be reasonable in some of these cases to expect that admission charges would be made to help offset the costs of making the ships available to the public. It also appears to be reasonable to permit some limited commercial uses on these ships if these uses are clearly minor and ancillary to the prime public recreational and educational concerns and they do not conflict with the historic character of the ship. A comparison might be made with the small souvenir sales areas or bookstores operated in public arts and sciences museums. In all cases, admission fees charged should be reasonable and scaled to the needs for adequately maintaining the vessel and the limited commercial uses should not be of size or character that would detract from the primary attraction, the ship itself.

Commercial Recreational Purposes

The second part of the answer to the question whether these ships can and should be permitted relates to historic ships that would be used, for whatever reasons, to house Bay-oriented commercial recreational uses not necessarily related to the ship itself or to the maritime activities and history of the Bay. Restaurants and specialty shops are the most frequently mentioned uses, but others such as theaters and "special attractions" (e.g., "wax museum") and hotels have been suggested. A reasonable approach to a resolution of this matter appears to be possible if the following considerations are taken into account: (1) the magnitude of the foreseeable problems, relating to the number of cases and the dimensions of the "floating fill" that would be involved; (2) the effects that mooring such ships would have on the Bay; (3) the public benefits, if any, that could be foreseen; and (4) whether, in the light of the foregoing, it is

possible and desirable for the Commission to treat these facilities the same way on both publicly and privately-owned land in the Bay. These matters are discussed in order in the following paragraphs.

1. Magnitude of Foreseeable Problems

The question of how many cases might be anticipated and how much total "fill" they might involve relates back to what "historic ships" are determined to be and to their physical dimensions. If criteria such as those discussed in Part II of this report were adopted, it is unlikely that great numbers of cases would be presented. Time and the elements are hard on old ships and of those that were in use on the Bay more than, for example, fifty years ago, not very many will be found in restorable condition. Ships from those days were generally not huge: the total of the "floating fill" of all of the ships in the San Francisco Maritime State Historic Park plus the nearby "Balclutha" is estimated to be well under one acre. Although larger ships have been and are being built (the "Queen Mary" berthed at Long Beach is about two acres), their very size and the requirements for berthing them take them out of the context here being considered. In addition to these factors, the high costs of acquiring, restoring, outfitting, and maintaining old ships further reduces the probable numbers that might be expected to be presented for permit processing. Significant costs could also be added to proposed projects for facilities required to comply with safety standards. Such requirements, relating to fire, earthquakes, tsunami and other hazardous sea conditions, and to provision of safe and convenient emergency access and exits, may result from regional and local jurisdiction reviews and permit procedures and from BCDC advisory board recommendations.

2. Effects on the Bay

The effects that the mooring of historic ships, for whatever purposes, would have on the Bay have been partially dealt with in the preceeding paragraph. Additionally, however, the question of how "floating fill," but more particularly, floating ships, affect the Bay should be considered. The question has come up in other circumstances from time to time and has been referred to the Commission's consultants. In July, 1970, the late Dr. James Heath, San Jose State University, reported on the effect of floating structures (in that case, houseboats) and pile-supported structures, and in October, 1970, Dr. Ray B. Krone, University of California, Davis, submitted comments on the same subjects to the BCDC through consultant Richard Karn. In April, 1975, Dr. H. Thomas Harvey, San Jose State, was asked to review the paper that had been prepared earlier by Dr. Heath and reported that he saw nothing that he would recommend changing in Heath's comments relating to houseboats. The two matters that chiefly concerned both writers about floating structures were the cutting off of light and the possible accumulation of wastes from the structures. The concern with the loss of light was critical in relation to houseboats because of the possible close spacing of many structures and because in shallow areas many of them do not float at all times. Waste from houseboats has been a continuing concern, but does not appear to be a critical factor in relation to historic ships because they usually would not be used for residences and because, through the permit process, conditions requiring approved waste disposal methods should be applied.

3. Public Benefits

Discussion of the public benefits that might be derived from allowing the location of historic ships on the Bay probably relates most specifically

to three areas: public access, shoreline appearance, and alternative uses of the shoreline area. In order to provide adequate public benefits in these three areas that would justify their being permitted, the ships, even if used for commercial purposes, would presumably have to have provisions for reasonable free public access either to significant portions of the ships themselves or, when that is not feasible, to adjacent shoreline areas where the appearance and characteristics of the ships can be viewed. The ships should also contribute unique and interesting qualities of appearance in suitable locations which will not require shoreline areas for automobile parking. There do not appear to be practical difficulties with these requirements that could not be solved. Since each case will be different because of the nature of the ship involved, the uses to which it will be put and the location of the proposed mooring, the methods and degree of public access, and the appropriateness of location would have to be handled, as it now is in other permit matters, on a case-by-case basis. The critical review and recommendations of the Design Review Board would undoubtedly be extremely helpful in these matters.

4. Historic Ships Should be Permitted

On the basis of the matters discussed thus far, there appear to be reasonable arguments that historic ships should be appropriately permitted, even with commercial uses housed in them on both publicly and privately-owned land in the Bay, if (a) reasonable and useful public access is provided, (b) the appearance and location of the ships will add interest and improved maritime character to those areas of the Bay they will occupy, and (c) alternative uses for the Bay and shoreline are of less public benefit. The following key points seem to support the arguments in their favor:

- a. Historic ships, if defined by appropriate criteria, will be necessarily limited in numbers and size;
- b. Historic ships, appropriately defined, would offer unique qualities of appearance and historical significance to areas around the Bay that could not be provided by other means;
- c. New interesting public access opportunities could be provided on historic ships;
- d. Given adequate spacing between ships and assurances that they would float at all times and provided that strict adherence to water quality requirements is assured, historic ships in limited numbers would not appear to pose serious adverse impacts on the Bay;
- e. Existing BCDC permit procedures and the requirements of the McAteer-Petris Act assure that necessary conditions to protect the safety of the public can be applied in permit matters involving the proposed mooring and use of historic ships; and
- f. Adjacent shoreline areas could be attractive parks or access, not devoted to parking.

IV. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

1. On the basis of the material and discussions in this report, historic ships, defined by appropriate criteria and conditioned under the provisions of the McAteer-Petris Act, should be considered appropriate additions to San Francisco Bay.
2. Through existing permit procedures and review requirements, adequate and reasonable conditions can be applied to assure safe, attractive, and usable public access both on the adjacent shoreline and on historic ships to be moored in the Bay.
3. Historic ships, properly defined, are unique because of their age and significance and therefore are different from other floating structures such as barges, floats, and replicas of ships, all of which should be considered under the law and the Bay Plan in relation to the uses for which they are proposed.

Recommendations

1. The staff recommends that proposed additions or revisions to the Commission's regulations be prepared to accomplish the following:
 - a. To add a new regulation to Article 2, "Definitions," which would define historic ships to be moored in San Francisco Bay as (1) ships, able to float at all states of the tide, that were constructed either more than fifty years ago or before 1920, and (2) ships that are established to have

had some specific role, as prototypes or as participants in significant events in the maritime history of the Bay.

- b. To add a new sub-section to Article 4, Regulation 10443, "Special Rules--Small Fills for Improving Shoreline Appearance," to include historic ships, as defined above, as permissible "small fills" for the purposes of this section of the Regulations and the referenced section of the McAteer-Petris Act, 66605(a).
 - c. To add a new sub-section to Article 4, Regulation 10444, "Special Rules--Small Fills for Improved Public Access," to include historic ships, as defined above, as permissible "small fills" for the purposes of this section of the Regulations and the referenced section of the McAteer-Petris Act, 66605(a).
2. It is further recommended that, upon the completion by the BCDC staff of the draft regulations, additions, or revisions described in "1" above, the Commission schedule the required public hearings on the matter.

